UNITED STATES DISTRICT COURT DISTRICT OF NEVADA RENO, NEVADA

L. SEVILLE PARKS,))
Plaintiff,) Case No. 3:04-cv-00501-HDM-VPC
VS.)) MINUTES OF COURT
DEBRA BROOKS, et al. Defendants.)) August 5, 2010 /
PROCEEDINGS: TELEPHONIC PR	ETRIAL CONFERENCE
PRESENT: THE HONORABLE HOWARD D. McK	<u>XIBBEN, SENIOR U.S. DISTRICT JUDGE</u>
Deputy Clerk: Paris Rich Reporter:	Kathryn French
Counsel for Plaintiff: L. Seville Parks,	Pro Se

Counsel for Defendant: Susan Lee and Stephen Quinn, Nevada Attorney General's Office

At 1:28 p.m., Court convenes.

Parties are present telephonically as indicated.

Court recites procedural matters and remaining claims to be tried at Jury Trial set for Wednesday, 9/8/2010 at 9:00 AM in Reno Courtroom 4. Mr. Parks states he is not ready to proceed this date. Further, Mr. Parks requests opportunity to speak with Defense counsel regarding possible resolution.

At 1:34 PM, Court stands at recess to allow parties to confer in private. At 1:42 PM, Court reconvenes.

Mr. Quinn states the parties are unable to reach a settlement.

Court proceeds with procedural matters. Court recites findings as to the remaining parties in this action. **IT IS ORDERED**, Defendants Joe Brackbill, Debra Brooks, Todd Hink Paul Hunt, Rebecca Montoya, Arthur Neagle, Leona Riches, Calvin Peck, Dahn Shaulis, Brian Mullins, and Kenneth Ross are hereby DISMISSED from this action.

IT IS FURTHER ORDERED, Defendants E.K. McDaniel, Jackie Crawford, Dwight Nevin, David McNeely, and James Stogner shall remain parties to this action.

Court addresses issue of witnesses. Mr. Quinn recites Defense witnesses as: David McNeely, James Stogner, Daniel Schmidt, Richard Liverani, and Moshe N. Barouk.

Court inquires as to additional witnesses on behalf of Plaintiff. Mr. Parks states he is not in possession of Plaintiff's witness list this date and requests additional time. Court recites comments regarding Plaintiff's witnesses and issuing of any subpoenas. Mr. Parks presents statements.

IT IS ORDERED, Proposed Voir Dire and Proposed Jury Instructions shall be due by 8/18/2010.

IT IS FURTHER ORDERED, parties shall proceed to Trial on Wednesday, 9/8/2010 at 9:00 AM in Reno Courtroom 4 with Plaintiff and Plaintiff's subpoenaed witnesses.

Court advises that Defendants' [378] Motion is considered dispositive and untimely. Defense can anticipate denial of [378] Motion following Response (if any) by Plaintiff.

IT IS ORDERED, [298] Motion is GRANTED IN PART and DENIED IN PART. Specifically, Paragraph 1 is GRANTED; Paragraph 2 is GRANTED; Paragraph 3 is GRANTED; Paragraph 4 is GRANTED; Paragraph 5 is GRANTED; Paragraph 6 is GRANTED IN PART as to experts that may be called by either party. However, to the extent experts are properly qualified, Paragraph 6 is DENIED; Paragraphs 7, 8. 9, and 10 are RESERVED until Trial.

Court recites further comments regarding Trial procedure.

IT IS ORDERED, Plaintiff's [367] Motion to Change Venue is DENIED.

Mr. Quinn's oral motion for withdrawal Defendants' [372] Motion to Stay is GRANTED. **IT IS SO ORDERED.**

IT IS FURTHER ORDERED, Plaintiff's [282] Motion is RESERVED until Trial.

Court recites further statements regarding Plaintiff's subpoenaed witnesses.

Mr. Parks requests a copy of Minutes this date. Further, Mr. Quinn recites his telephone contact number of (775) 684-1222 to Plaintiff. Plaintiff confirms.

Parks v. Brooks, et al. / Case No. 3:04-cv-00501-HDM-VPC August 5, 2010

Page 2 of 3

Mr. Quinn states Defendants will provide Exhibit List as reflected in [270] Defendants' Proposed Pretrial Order and three additional Exhibits. **IT IS ORDERED**, the parties' Trial Exhibits and Exhibit Lists are due by 8/18/2010. Further, absent extraordinary circumstances, the parties shall be limited to the Exhibits as received by the Court by 8/18/2010. **IT IS SO ORDERED**.

At 2:06 p.m., Court adjourns.

LANCE S. WILSON, CLERK

By: /s/ Paris Rich
Deputy Clerk